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tionary tribunals created by the law of August 17, 1792, and by later acts; of the Committee of Public Safety and other councils organized for executive purposes by the conventions; of the agents and committees sent by the assemblies throughout France and into Belgium to extend the ideas and policy of the Revolution. In the archives also are pretty complete lists of the estates confiscated and the corporations suppressed during the Revolution. Under the series entitled *Administration Générale* are to be found the documents relating to the national administrative system in its modern form and in all its departments. There one could study at length the results brought about by the events of the revolutionary and Napoleonic era. Under the head of the *Collection Rondonneau* — named from an archivist of the last century — have been placed some of the most valuable documents in the national archives, relating to all periods of French history and to all departments of its administration.

Scholars the world over should welcome a liberal policy such as that which has led to the publication of this catalogue. It invites research among the sources of knowledge, at a place where are stored the records of a great nation's history. The hospitable spirit of which it bears evidence should attract students from this side of the Atlantic to the investigation, not simply of French colonial enterprise, but of French democracy and of the history of the nation in its remoter past.

HERBERT L. OSGOOD.

*Das Oesterreichische Staatsrecht (Verfassungs- und Verwaltungsrecht)*. Ein Lehr- und Handbuch. Von DR. LUDWIG GUMFLOWICZ, Professor in Graz. Wien, Manz'sche Buchhandlung, 1891. — xiii, 655 pp.

That the form of government adopted by a state depends less on the application of any preconceived theory than on existing political and social conditions, is a widely recognized fact. A most striking illustration of this fact is to be found in the public law of that complex of states and nationalities which is commonly known under the rather deceptive title of the Austro-Hungarian Empire. The political conditions in this portion of Europe are very much what they were in England before the centralization of the Norman monarchy, or in France before the time of Louis XI. But the prospect of a similar result in unification and subjection to Teutonic rule is not bright. The monarch represents almost the only unifying force, and the methods which were once considered proper for him to use in consolidating the state are now regarded as inconsistent with individual and national rights. Constitutionalism came too soon into the world for the highest good of

Austria-Hungary, if we consider that highest good conditional on the final development of a unified state, or even of a situation like that in Germany or the United States, where, while the state is unified, the government remains federal. Race prejudice and race pride have, as Professor Gumplowicz points out in the book before us, taken advantage of the constitutional system introduced about the middle of the present century not only to check any new efforts in the direction of centralization, but even to undo part of the work that had already been accomplished. This is seen even in the administrative system, where in more than one instance business is still distributed according to geographical lines rather than according to its nature. Even in the Cis-Leithan portion of the empire we find executive departments for particular sections, as *e.g.* a Galician department.

As a result of these peculiar political and social conditions we find a most peculiar public law, — a public law which only an Austrian can treat intelligently, and which affords practically no basis for comparison with the systems of more centralized states. Professor Gumplowicz, recognizing the impossibility of ticketing Austrian institutions with any of the ordinary labels of political science, falls back upon the celebrated answer to the question: What kind of a state is Austria? and replies: "Austria is Austria."

The present political form of Austria-Hungary is the result of its peculiar historical development . . . a result which is at present formulated in the law of 1867. This may not be designated by any of the theoretical terms of political science; it can be comprehended and expressed only by the consideration of the compromise made in this law between the important political factors in Austria and Hungary.

After this position has been taken by the author, it is hopeless to expect from him any detailed consideration of the questions which vex the student of federal government, or any contribution to the solution of such questions. Professor Gumplowicz is of an eminently practical turn of mind — is little troubled by any desire to adopt or improve upon the existing categories of political science. His aim is to lay before the student, without any serious attempt at a scientific classification, the rules of law in force at present in the countries he treats. But on the other hand he gives quite fully the historical reasons of existing phenomena. As his book is devoted to administrative as well as to constitutional law, the student will find abundant information as to the relations of the various important governmental authorities and the protection offered to individual rights. The description of the local government system is comparatively complete, and a succinct statement is given of the law in respect to the police power, the army, the

finances, diplomatic administration, census and passports, highways, railways and the like, agriculture, industry and labor, the public health, education and the care of the poor. The information in the work is made accessible by a good alphabetical index.

F. J. G.

*The Swiss Republic.* By BOYD WINCHESTER, late United States Minister at Bern. Philadelphia, J. B. Lippincott Company, 1891. — 8vo, 487 pp.

*State and Federal Government in Switzerland.* By JOHN MARTIN VINCENT, PH.D., Librarian and Instructor in Johns Hopkins University. Baltimore, Johns Hopkins Press, 1891. — 8vo, 247 pp.

Two new books on Swiss institutions, both of them meritorious, afford a gratifying indication of an increasing interest in the institutions of other countries. For his task Mr. Winchester has had the advantage of four years' residence at Bern as minister of the United States. This has given to his book a freshness which comes from knowledge acquired at first hand, and which makes up for certain defects in judgment and in style which are here and there noticeable. In his account of the Federal Assembly, of the republican simplicity that prevails at Bern, of the *landesgemeinde* of Appenzell, and largely throughout the book, the author draws upon his own observation. Facts gathered on the spot give vividness to his statements. To illustrate the practically life tenure of members of the Swiss legislative bodies, he tells us that death and voluntary retirement accounted for nineteen out of twenty-one changes at the last general election. Only two members of the Federal Council, we are told, have failed of re-election since 1848 "on the avowed ground of political divergence." The same preference for men of experience is seen in the custom by which the Vice-President always succeeds the President. "In this way every member of the Federal Council becomes in turn Vice-President and President during each septennial period."

In his chapter on citizenship the author's diplomatic experience comes to his aid in his account of the difficulties which a foreigner encounters who attempts to become a Swiss citizen. Communal citizenship, which is the basis of Swiss citizenship, is a matter of purchase; for it carries with it an interest in the communal property and an eventual right to be supported in case of need. The favorable action of the canton, which "considers the petition from a different and higher standpoint," is more difficult to obtain. Political rights the Swiss citizen may exercise wherever he is domiciled, but he has corporate and property rights only in his canton of origin. The chapters on